

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	Case No. 1-16-cr-184
William Anthony Fly,)	
)	
Defendant.)	

Before the court is Defendant's Motion for Reconsideration, (Docket No. 32), wherein the Defendant requests the court revisit its prior Order of Detention Pending Trial. (Docket No. 25). The court held a detention hearing in this matter on September 26, 2016, after which the court ordered Defendant be detained pending trial because, amongst other reasons, Defendant repeatedly attempted to contact the alleged victim in this matter and Defendant had a propensity to move himself and his family around the country on short notice. (Docket No. 25).

In the current motion, Defendant asks the court to conduct a new hearing to determine whether release or halfway house placement is appropriate. (Docket No. 32). The Defendant argues a change in circumstances has occurred since this court entered its prior order because the correctional facility in which he resides is either unable or unwilling to address his medical needs. The United States opposes this motion, arguing the same circumstances compelling the court to order the Defendant be detained in the first instance still exist. (Docket No. 33).

After consideration, the court is not inclined to give the Defendant another detention hearing or reconsider its order of detention at this time. Defendant has not argued, much less shown to the court's satisfaction, the circumstances justifying Defendant's initial detention have abated. If

released, the court still has grave concerns Defendant will again attempt to contact the alleged victim in this matter to retract her statements or pressure her into silence. Likewise, Defendant's past and repeated movements of himself and his family throughout the country leave the court with a strong conviction Defendant is a serious flight risk if released. While Defendant may not be happy with the medical assistance he is receiving while in custody, he has not provided the court with any documentation or other support for his argument his care is inadequate. At this time, the court is still of the opinion Defendant should remain in custody for the safety and security of the alleged victim in this matter and to ensure Defendant's appearance at all future court dates.

Based on the foregoing, the Defendant's Motion for Reconsideration, (Docket No. 32), is **DENIED.**

IT IS SO ORDERED.

Dated this 10th day of March, 2017.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court